

IN THE
INDIANA TAX COURT

NO. 49T10-9309-TA-70

TOWN OF ST. JOHN, et al.,)	
)	
Petitioners,)	
)	
v.)	
)	
DEPARTMENT OF LOCAL)	
GOVERNMENT FINANCE as successor)	
to the STATE BOARD OF TAX)	
COMMISSIONERS,)	
)	
Respondent.)	

MONTHLY REPORT 48

As successor to the State Board of Tax Commissioners, this is monthly report forty-eight from the Department of Local Government Finance under the Court's order dated May 31, 2000, 729 N.E.2d 242, 247. The report explains the Department's activities during May 2004 to implement the Court's order.

Lake County Reassessment

A group of Lake County citizens filed a complaint for declaratory judgment and emergency relief on April 30, 2004, in Lake County Superior Court. *Cause No. 45D05-0404-PL-91*. Lake County Superior Judge Robert Pete enjoined the Lake County Treasurer's office from mailing tax bills in Lake County based on the assessments performed by Cole Layer Trumble ("CLT"). The Court declared that IC 6-1.1-4-32 as well as IC 6-1.1-8.5 are unconstitutional and that all assessments made pursuant to these

statutes are null and void. On May 12, the Indiana Attorney General's Office filed a Petition for Writ of Mandamus and Prohibition in the Indiana Supreme Court. The State filed a concurrent appeal in the Court of Appeals. The State alleged that the injunction was improper and should be nullified because the Superior Court lacked subject matter jurisdiction to hear the appeal and the taxpayers failed to exhaust their administrative remedies. The State asked the Supreme Court to vacate the order.

On May 27, 2004, the Supreme Court, upon initial briefing of the writ case, stayed the judgment of the Superior Court Judge and lifted the injunction, thereby allowing the county to mail tax statements based on the values derived by CLT. The Court set an expedited briefing schedule to address the remaining issues of constitutionality and jurisdiction. Oral arguments are set for Wednesday June 23, 2004 at 9:00 a.m.

During the month of May, the Department continued to implement an internal plan to process the Lake County appeals as well as conducted training sessions with the CLT staff on the new procedures. Department employees continue to speak daily with Lake County assessing officials and to provide guidance and support to taxpayers who have questions and concerns.

Reassessment Status

Eighty-six (86) counties have mailed 2002 tax bills in the state of Indiana. The Department has approved ninety (90) budget orders and ninety-one (91) equalization studies. *See attached Reassessment Status Map.* Lake, Noble, Brown, Lawrence and Clark have not mailed 2002 tax statements. All five counties chose to issue provisional billing statements to supplement their budgetary needs.

Training

The training division continues to educate the assessing community. In the Month of May the division hosted the Level I and Level II assessor-appraiser prep courses. These six-hour courses were held in Valparaiso, Huntington, Scottsburg, Vincennes and Indianapolis.

Statewide Equalization Issues

On May 17, 2004, the Indiana Fiscal Policy Institute (IFPI) presented to the Property Tax Replacement Study Commission an interim report on the status of the Indiana Property Tax Equalization Study. The IFPI reported that there are a number of counties that have completed reassessment and have complied with the state's statutory request to submit the data in a standardized format. The status of the project continues to be affected, however, by the ongoing delay in obtaining the necessary data from the remaining counties to complete the analysis which is significantly smaller than the number of counties anticipated. 71 counties have submitted assessor data (70 in standard form, 1 in non-standard form), while 42 counties have submitted auditor data (32 in standard form, 18 in non-standard form).

At this time, 52 counties have been briefly analyzed, with another ten counties receiving concentrated attention. For those counties where there has been substantial amount of analysis and where the data is sufficient to begin drawing conclusions, the accuracy of the reassessment has been positive. The median sales assessment ratios are in the 98-99% range with fairly small coefficients of dispersion. The delays in getting

commercial and industrial data and in getting sales disclosure data continue to hamper the completion of the county analysis.

Lake County Industrial Facilities

On, May 26, 2004, the IBTR conducted pre-hearing telephonic conferences with all parties involved in the industrial appeals filed on the 2002 assessment determinations. The purpose of the conference was to establish a date to schedule case management meeting. All four companies, the state and the county will meet on June 16, 2004, to discuss how the appeals will proceed forward.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing report by first class mail,
postage prepaid, on counsel of record listed below on this _____ day of June 2004:

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